

DRAFT injunction language

The City of Portland, by and through the Portland Police Bureau (PPB) is hereby enjoined in using tear gas or impact munitions against persons engaged in passive resistance as follows:

- (1) PPB shall be limited to use of force as outlined in PPB's Use of Force Directive 1010.00, Crowd Management/Crowd Control Directive 0635.10; and the provisions of Oregon House Bill 4208 Relating to the Use of Tools by Law Enforcement Agencies;
- (2) Passive resistance means a person's non-cooperation with a PPB member that does not involve violence or other active conduct by the individual;
- (3) Tear gas is defined as oleoresin capsicum or orthochlorobenzalmalononitrile ("OC") spray or other similar chemicals meant to accomplish the same effect, administered by any shell, cartridge or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of the chemicals ("tear gas") and shall not be used for purposes of crowd control except in circumstances constituting riot as defined in PPB Directive 0635.10;
- (4) FN303s and 40MM less lethal launchers with an OC payload constitute "tear gas" and shall not be used for purposes of crowd control except in circumstances constituting riot as defined in PPB Directive 0635.10, and where uninvolved parties are unlikely to be subjected to the force;
- (5) Prior to using tear gas in circumstances that constitute a riot, PPB shall announce its intent to use tear gas, allow sufficient time for individuals to evacuate the area, and announce for a second time, immediately before using the tear gas, the agency's intent to use tear gas;
- (6) For purposes of this order, individual members are not precluded from using handheld OC (pepper spray) when a person(s) engages in physical resistance or indicates the intent to engage in physical resistance, with members attempting to minimize exposure to non-targeted persons;
- (7) To the extent that tear gas or impact munitions are used in accordance with this order, they shall not be deployed indiscriminately into a crowd, used when avenues of escape are not available to the crowd and not used on individuals engaging in passive resistance and to the extent reasonably possible, targeted at the specific threat of physical harm to members or identifiable others;
- (8) Rubber Ball Distraction Devices ("RBDDs") used for the purposes of crowd control may be used to stop or disrupts a group of individuals committing a crime or about to commit a crime, when other more discriminate methods are not feasible or reasonable, and uninvolved parties are unlikely to be subjected to the use of force; when a person(s) engages in physical resistance or indicates the intent to engage in physical resistance; in exigent circumstances to defend the member or others from injury when other, more discriminate methods or applying force are not feasible and uninvolved parties are unlikely to be subjected to the use of force; or as otherwise authorized by Directives 1010.00 and 0635.10;
- (9) Long Range Acoustical Devices ("LRAD") shall be prohibited for use as a warning signal or distraction tactic and shall be used for announcements only.